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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,140	09/29/2005	Naoki Takahashi	053158	3958
38834 7590 02/21/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER SHAFFER, RICKY D	
			ART UNIT 2872	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,140

Applicant(s)

TAKAHASHI ET AL.

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 3-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/29/2005 & 05/04/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Group I and Species "A" in the reply filed on 10/15/2007 is acknowledged.
2. Claims 3-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/15/2007.
3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the recited language of "at least one layer...lights" found at lines 8-13 of the claim is inconsistent with the language of "at least two laminated layers of at least one kind of reflective polarizer (a)" found at line 2 of the claim which renders the claim vague and indefinite due to the fact that there is no positive recitation of two laminated layers of at least one kind of reflective polarizer. For example, a circular polarization type reflective polarizer is clearly different than a linear polarization type reflective polarizer and therefore, it is unclear where is the second circular polarizer or the second linear polarizer located in the optical element which includes at least two layers of one kind of polarizer. Moreover, it is unclear whether there is two circular polarizers, two circular polarizers with a linear polarizer, two linear polarizers, two linear polarizers with a circular polarizer or some other orientations. Thus, the metes and bounds of the claim is unclear.

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In claim 1, line 14, the use of the language “(in the normal direction)” is vague and/or indefinite. It is unclear whether language between the parentheses is being claimed or not. If so, “the normal direction” lacks proper antecedent basis. If not, the language should be deleted.

In claim 1, line 16, “the normal direction” lacks proper antecedent basis.

In claim 2, lines 2-3, the use of the language “(in the normal direction)” is vague and/or indefinite for the reason(s) stated above.

In claim 2, line 7, the use of the language “-45 degrees plus/or minus 5 degrees ” is vague and/or indefinite. It is unclear whether the language between the parentheses is being claimed or not. If so, the parentheses needs to be removed. If not, the language should be deleted.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotchick et al ('455).

To the extent the claims are definite, Kotchick et al discloses an optical element comprising at least two laminated layers; wherein at least one of said two laminated layers includes a circular polarization type reflective polarizer (1706) capable of transmitting a certain circularly polarized light and selectively reflecting an oppositely circularly polarized light and the other one of said two laminated layers includes a linear polarization type reflective polarizer (1704) capable of transmitting one of perpendicular linearly polarized lights and selectively reflecting the other of the perpendicular linearly polarized lights; and at least one retardation layer (1708) for changing polarization properties laminated between the reflective polarizers,

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wherein said retardation layer comprises a quarter wave plate which is capable of having a retardation value of about $\lambda/4$, note Fig. 17 along with the associated description thereof, except for explicitly stating that the quarter wave plate includes a retardation value of at least $\lambda/8$ with respect to an incident light inclined by at least 30° to a normal direction.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify/substitute the quarter wave plate/retardation layer of Kotchick et al with a functional equivalent quarter wave plate/retardation layer of commonly used and employed in the art which is least sensitive to incident angles so as to enhance the contrast/efficiency of the system. Note: In re Ruff, 188 USPQ 343 (CCPA 1958) and In re Kuhle, 188 USPQ 7.

7. The abstract of the disclosure is objected to because the abstract contains more than 150 words. Correction is required. See MPEP § 608.01(b).

8. The disclosure is objected to because of the following informalities:

The presence and recitation of claims 1-21 on page 3, line 29 to page 8, line 6 of the specification is improper. Appropriate correction is required.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference characters (a) and (b) found on page 8 of the specification have not been illustrated. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The examiner can normally be reached on Mon-Fri. 11:00 to 7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDS

February 03, 2008

Ricky D. Shafer
RICKY D. SHAFER
FEB 03 2008